

ROUTING RECORD SHEET

SUBJECT: [REDACTED]

FROM: **Harry E. Fitzwater**
 Deputy Director for Administration
 7D24 Headquarters

EXTENSION

12 NOV 1985

TO (Officer designation, room number, and building)

DATE

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OFFICER'S INITIALS

COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)

1. Deputy Chief, Legislative
 Division, OLL
 7B24 Headquarters

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FORM 1-79

610

USE PREVIOUS EDITIONS

DDA 85-3843/3
12 November 1985

MEMORANDUM FOR: Deputy Chief, Legislative Division,
Office of Legislative Liaison

FROM: Harry E. Fitzwater
Deputy Director for Administration

SUBJECT: Department of State Draft Bill Providing Security
for U.S. Diplomatic Personnel, Facilities and
Operations

REFERENCE: Memorandum for Multiple Addressees from DC/LD/OLL,
dated 30 October 1985, Same Subject

STAT
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1. The Office of Security [] Deputy Chief, Physical Security
Division/OS advised that [] Chief, Physical Security Division/OS,
had telephoned late last week advising you that the Office of Security had no
objection to the referenced draft bill provided that a provision is added to
this bill stating that "nothing in this Act shall be construed to limit the
authority of the Director of Central Intelligence under the National Security
Act of the Central Intelligence Agency Act of 1949."

2. The Office of Personnel's response which has some more specific
questions is attached. Their response is in general agreement with the DDA
and the Office of Security position stated in paragraph one above.

3. We are working as rapidly as possible on our funding needs for FY 1986
and FY 1987 which will permit us to work in concert with the Department of
State's program set forth in this draft bill. We will submit a follow-up
letter with our detailed resource requirements prior to the end of November.

STAT
[]
Harry E. Fitzwater

Attachment:
As Stated

STAT

ORIG:EXO/DDA:

(12 November 1985)

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D/MS 85-3050

NOV - 8 1985

DD/A Registry
85-3843/2

MEMORANDUM FOR: Deputy Chief, Legislation Division
Office of Legislative Liaison

FROM: Robert W. Magee
Director of Personnel

SUBJECT: Department of State Draft Bill to Provide for the Security
of U.S. Diplomatic Personnel, Facilities, and Operations

REFERENCE: Your memorandum for multiple addressees, same subject,
dated 30 October 1985, OLL 85-3291/1

1. We have reviewed the proposed legislation noted and have a number of concerns.

2. While we basically applaud the purposes of the draft bill, including the provisions for diplomatic security personnel and funding authorities, we also think that investigations of possible misfeasance (or malfeasance) by Agency employees should be conducted in the first instance, and to the maximum extent possible, internally and by the Agency itself, with referral(s) to the FBI, DOJ, IOB, and/or HPSCI and SSCI as appropriate. We are opposed in principle to the creation of yet another external oversight body, the proposed Accountability Review Board(s) (ARB), consisting mainly of non-Agency personnel and not necessarily versed in the Agency culture or intelligence realities, which could sit in judgment over Agency employees. It is not clear to us that such finger-pointing and blame-fixing as is contemplated under the ARB process really would do much to significantly advance the cause of diplomatic security abroad or at home. The time, money and effort devoted to any ARB-like process might be better-spent on physical security improvements and/or enhanced counterterrorist intelligence collection.

3. Beyond this general problem, we also have several particular qualms regarding the proposed legislation:

a. There is no express provision in the bill requiring the members and staff employees of, and detailees and consultants to, the Accountability Review Board(s) to hold security clearances at any level, much less the appropriately high level. Such a provision should be included.

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**SUBJECT: Department of State Draft Bill to Provide for the Security
of U.S. Diplomatic Personnel, Facilities, and Operations**

b. The provision in Section 206(b) that the ARB hearing be conducted subject to various provisions of the Administrative Procedure Act should be qualified by adding, "but subject to and only to the extent consistent with the requirements of Section 203(b) and other laws requiring the protection of classified or similar sensitive information relating to national defense, foreign policy, or intelligence matters."

c. As we understand it, the ARB only may recommend disciplinary measures for employees of agencies other than the Department of State who are adjudged to have committed a breach of duty; and administrative leave under Section 207 is not mandatory, but discretionary. If this understanding is incorrect, we would oppose these provisions.

d. Section 208, concerning reports to Congress of ARB recommendations, does not, but should, make express provision for the protection of classified or similar sensitive information.

e. We hope our reading is correct that Sections 101(b) and 202(b) cannot be interpreted to compel the Agency to supply resources or personnel to the Bureau of Diplomatic Security, Diplomatic Security Service, or ARB on a nonreimbursable basis. If this reading is erroneous, we would oppose those provisions.

4. In sum, while gains in the diplomatic security area clearly are needed, the subject legislation needs further refinement to ensure the closest possible fit between that desirable end and the chosen means.

STAT

[Redacted Signature Box]

for Robert W. Magee